



4 December 2023

Dan Ford
Delegate
Tasmanian Planning Commission

RE: AM-BRI-RZ-2022-05 Draft Planning Scheme Amendment RZ2022/05 South Brighton Masterplan

Please accept this as a submission on the proposed planning scheme amendment (Masterplan) lodged on behalf of my client Ramilya Khayrutdinova owner of a property at 9 Melinda Court Brighton (the Property).

My client's previous comments and submission stand, and they are opposed to the South Brighton Masterplan as it would sterilise future development opportunities for their property and seek to deliver an outcome which they do not want. A copy of this submission is attached to this correspondence.

It is appreciated that the Masterplan is a novel approach in attempting to increase density within established rural residential areas, however without an overarching structure to implement the Masterplan it is simply unworkable. Council in its submission proposes that the 'market' should be allowed to implement the Masterplan and that roads and infrastructure be paid for by individual developers. Individual landowners though would benefit disproportionately from the Masterplan, some landowners would gain substantial benefit without having to construct any infrastructure, whereas others would gain little benefit whilst losing a large portion of their property to a road or infrastructure.

For instance, 1 Dylan Street could be subdivided into 8 lots without the developer having to construct any roads. The same is the case for 3 Dylan Street where 15 lots could be created. Creation of these 15 lots would require the owner of 5 Dylan Street to construct a road through their property, creating 7 lots.



Council in its submission state:

Council has not committed to funding any roads, but has indicated it may step in if necessary and use its compulsory acquisition powers and/or Infrastructure Policy.

Development standard BRI-S11.8.2 specifies that *upgrades of Council infrastructure, must be provided entirely at the developer's expense*, further compounding the problem of user pays and inequality of return.

The Masterplan provides no structure or avenue for costs to be recouped from landowners who benefit from infrastructure delivery paid for by other landowners. An Infrastructure Policy adopted by Council that is relevant to the land as suggested in BRI-S11.8.2P1b) lacks detail.

Over 70 lots could be created under the Masterplan which already have frontage to existing roads, particularly Brighton Road and William Street. These lots could be created under Masterplan without any roads being constructed, presumably contrary to the intent of the Masterplan.

BRI-S11.7.1 Building and Works

This development standard would sterilise vast areas of the properties subject to the amendment, as no buildings or works could be undertaken on land proposed to be used for roads, public open spaces, or infrastructure. Building is unlikely to be permitted on land proposed for future subdivision, certainly not across proposed property boundaries. Existing property owners are unlikely to be aware of this and should be notified formally of the areas of their properties which would be sterilised from future development.

11 Dylan Court and 9 and 8 Melinda Court would be severely impacted as there are roads and public open spaces proposed across these properties where no development could occur. These properties are within the final proposed stages of the masterplan, making this sterilisation permanent with any potential benefit to the landowner from future subdivision not able to be realised for years or even decades. Future subdivision is reliant upon numerous other landowners in earlier stages constructing roads and installing infrastructure in accordance with the Masterplan.

My client also does not agree to the way the Masterplan proposes to subdivide her property. Figure 1 shows 9 Melinda Court as per the proposed Masterplan. If the property was to be developed in accordance with the

Masterplan it would result in the loss of a large portion of it to roads and public open space (highlighted in pink and the creation of 8 new lots. More land is given over to public infrastructure than to any subdivided lots (private benefit).



Figure 1: 9 Melinda Court as per the proposed Masterplan.

Clause BRI-S11.8.3.1 Subdivision layout P1 states:

The layout of lots, roads, public open space and pedestrian connections must be compatible with the purpose of the Specific Area Plan and the development framework in Figure BRI-S11.2 having regard to:

This performance criteria locks any future development to Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework. If a developer, landowner, economics, infrastructure, or practicality dictate a different layout or plan of subdivision, then this would necessitate a planning scheme amendment, an impractical and costly process.

It is my client's submission that the Masterplan would sterilise most of her property and deliver an outcome which she does not want. It is our



submission that the Masterplan should be abandoned and a simple rezoning from Rural Living to General Residential be pursued.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

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